

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2012-112-T - ORDER NO. 2012-527  
JULY 25, 2012

IN RE: Application of Tyrone Miller d/b/a Signature	)	ORDER DENYING
Limo for a Class C (Charter) Certificate of	)	APPLICATION FOR
Public Convenience and Necessity for	)	CLASS C CHARTER
Operation of Motor Vehicle Carrier	)	CERTIFICATE

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the Application of Tyrone Miller d/b/a Signature Limo (“Miller” or the “Applicant”) for a Class C (Charter) Certificate of Public Convenience and Necessity. Mr. Miller was previously certificated under Docket No. 2000-284-T, doing business as Image Limousine. In that Docket, his Certificate was last revoked by Order No. 2010-589 (August 26, 2010) for failure to maintain and file evidence of insurance. However, in addition to this instance of revocation, Miller has had numerous problems following the laws regarding motor carriers, which has resulted in other occurrences of his Certificate being either suspended or revoked. The Office of Regulatory Staff (“ORS”) opposes his Application in the current Docket.

A hearing in this matter was conducted in the Commission’s hearing room on June 26, 2012. The parties at the hearing included Tyrone Miller and the ORS. Mr. Miller appeared *pro se* and served as his only witness. ORS was represented by Jeffrey M. Nelson, Esquire, and provided the witnesses Carol Chauvin, a Program Specialist in

ORS's Transportation Department, and George Parker, Program Manager of the Transportation Department.

As mentioned above, the record shows that Miller previously operated as a Class C Charter carrier under the name Image Limousine in Docket No. 2000-284-T by the authority of Certificates 6947, 6947-A, 6947-B and 6947-C. In that Docket, his Certificates were suspended by Order No. 2007-99 (February 12, 2007) and Order No. 2007-708 (October 10, 2007) for failing to maintain evidence of insurance pursuant to S.C. Code Ann. § 58-23-910 and S.C. Code Ann. Regs. 103-170 through 103-171. In addition, Miller's Certificates were revoked by Order No. 2009-715 (October 14, 2009) for failing to file annual reports pursuant to 26 S.C. Code Ann. Regs. 103-231 and Order No. 2010-589 (August 26, 2010) also for failing to maintain evidence of insurance.

In the present Docket for his current Application, Miller testified that previous business partners were responsible for "things not being handled in the proper way." *See* Tr. 7. He further stated that he is no longer associated with them and intended to have his accountant follow through with paper work, filings, state reports, financial statements, and maintaining public records. Tr. 7-8. Miller further supported his request for certification by communicating that he has done volunteer work in the community, and he closed his testimony by saying that this is his livelihood, he has learned his lesson, and is willing to operate on a trial basis. Tr. 8.

However, Miller's testimony also shows that he pled guilty to receiving a ticket for operating after his Certificate had been revoked. Tr. 10, 26. Furthermore, ORS provided extensive evidence that Miller's insurance has lapsed on more than one

occasion. Tr. 19-21; Hearing Exhibit 2. In addition, Miller has an outstanding judgment that he failed to acknowledge in his Application. Tr. 14; Application at 6.

During the hearing, ORS witness George Parker stated that Miller's non-compliance over the years has been extremely taxing to ORS's small Transportation Department, with more attention going to this one Applicant than any other carrier. Tr. 27. Parker also testified that ORS attempted to perform an inspection before the hearing, but Miller did not have the information that was needed and failed to provide it later. *Id.* It is ORS's position that Miller does not meet the criteria for a new Certificate based on his record of non-compliance and his operation of motor vehicles without certification because of lapsed insurance.

We agree. The criteria for becoming certified to operate a Class C (Charter) motor vehicle are found at 26 S.C. Code Ann. Regs. 103-133(4). Under this regulation, applicants must prove that they are "Fit," "Able," and "Willing" to carry passengers for hire. Specifically, Miller fails to meet the "Fit" and "Able" requirements.

To meet the "Fit" requirement, the Applicant must show that there are no outstanding judgments and that he is familiar with all statutes and regulations, including safety operations in South Carolina, and agrees to operate in compliance with these statutes and regulations. However, the evidence shows that a judgment exists against Miller that he did not acknowledge in his Application. Furthermore, based on Miller's lengthy history of non-compliance with the Commission's rules, we are not satisfied that he will now operate according to those rules.

To meet the “Able” requirement, the Applicant must undergo an inspection of all vehicles and facilities. Testimony shows that Miller fails to meet this requirement. ORS was unable to perform an inspection because he was not prepared for it. Moreover, the fact that Miller was unable to meet this requirement lends little credence to his argument that he will now comply with the Commission’s requirements.

IT IS THEREFORE ORDERED:

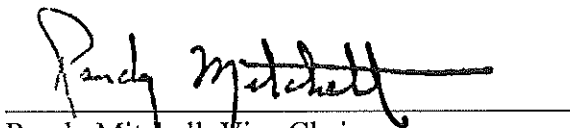
The Application of Tyrone Miller d/b/a Signature Limo for a Class C (Charter) Certificate of Public Convenience and Necessity is denied.

This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:

  
David A. Wright, Chairman

ATTEST:

  
Randy Mitchell, Vice Chairman  
(SEAL)